



THE CITY OF NEW YORK
LAW DEPARTMENT

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May 8, 2006

BY ECF & HAND

Honorable Sandra L. Townes
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Lamar Means v. Anthony McLean et al.
03-CV-0360 (SLT) (LB)

Dear Judge Townes:

Enclosed please find a STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE which has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor so order the enclosed STIPULATION.

Respectfully submitted,


Mary O'Flynn (MO 8688)
Senior Counsel
Special Federal Litigation Division

Lamar Means, Plaintiff *pro se*
01-A-6593
Elmira Correctional Facility, P.O. Box 500
Elmira, NY 14902

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Lamar Means,

Plaintiff,

-against-

Anthony McLean, Eric Mahany, Michael Hinrichs,
Robert Bush and the City of New York,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

CV-03-0360 (SLT) (LB)

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WHEREAS, plaintiff commenced this action by filing a complaint on or about January 23, 2003, alleging violations of his civil rights pursuant to 42 U.S.C. §1983; and

WHEREAS, defendants Anthony McLean, Eric Mahany, Michael Hinrichs, and Robert Bush have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay the plaintiff the sum of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against defendants Anthony McLean, Eric Mahany, Michael Hinrichs, and Robert Bush, and to release all defendants, and any and all

present and former employees and agents of the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the City attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit Concerning Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
March 2, 2006

Lamar means
LAMAR MEANS
01-A-6593
Elmira Corr. Facility
P.O. Box 500
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SO ORDERED:

Sandra L. Townes, USDJ